

## **Minutes of the Judiciary and Law Enforcement Committee – May 15, 2009**

Chair Bonne Morris called the meeting to order at 8:30 a.m.

**Committee Members Present:** County Board Supervisors Bonnie Morris (Chair), John Pledl (left at 10:15 a.m.), Dave Falstad, Peter Wolff (arrived at 9:14 a.m.; left at 11:13 a.m.), Kathleen Cummings, Paul Decker (arrived at 8:40 a.m.). **Absent:** Supervisor Jean Tortomasi.

**Also Present:** Legislative Policy Advisor Dave Krahn, Legislative Associate Karen Phillips, Director of Administration Norm Cummings, WCS Administrator Sara Carpenter, Sheriff Dan Trawicki, Deputy Inspector Eric Severson, Clerk of Courts Kathleen Madden, Business Manager Bob Snow, Jury Coordinator Cheryl Gallo, Emergency Preparedness Director Richard Tuma, Emergency Management Coordinator William Stolte, Senior Budget Analyst Lyndsay Johnson, Ralph Schultz and Betty Groenwold of SOPHIA, Judge Ralph Ramirez

### **Approval of Minutes – April 17, 2009**

MOTION: Falstad moved, second by Cummings, to approve the minutes of April 17, 2009. Motion carried 4-0.

### **Correspondence**

- Justice Reinvestment in Wisconsin Report – *Analyses & Policy Options to Reduce Spending on Corrections and Increase Public Safety*
- Letter from Sheriff Trawicki to James Dwyer regarding the on-site assessment - Wisconsin Law Enforcement Accreditation Group
- SAMHSA Grant Application for CJCC

### **Public Comment**

Groenwold and Schultz voiced their support of the CJCC and alternative programs and spoke about their concerns regarding the budget cuts and the effects on program funding.

### **Executive Committee Report of May 11, 2009**

Morris reviewed the items discussed at the Executive Committee meeting of May 11, 2009:

- Appeal of Certification of Debt for State Tax Refund Intercept was dismissed
- Capital Projects Update
- Ordinances regarding a grant for the Westside Neighborhood Initiative in Waukesha and a Federal Library Grant
- Appointments
- Committee Reports

### **Reports from Committee Member Liaisons**

- Morris reported that she attended the Effective Justice Strategies Subcommittee meeting last Wednesday. They discussed the various programs that have been initiated. The AIM (Assess Inform Measure) pilot project has lost its funding but the software is available for Counties that wish to participate.
- N. Cummings stated the DOC voted on the final RFP for the new CAD System

Decker arrived at 8:40 a.m.

### **Future Agenda Items**

- Sheriff Department - 1<sup>st</sup> quarter Budget Update

### **Future Meeting Dates**

- Due to scheduling conflicts, the June 11 meeting was rescheduled to June 19, 2009. Decker informed Morris he would be unable to attend on June 19.

### **Presentation: *Municipal Inmates in the Waukesha County Jail***

N. Cummings explained that about 10% of the jail census consists of municipal holds. Typically, municipals holds are people arrested for not paying the municipal fines for local violations and placed in the Waukesha County Jail. Cummings stated that the County charges only \$11 per day to house these individuals, the lowest rate of any of the larger counties in the state. Waukesha County's actual cost has been determined to be approximately \$86 to house an inmate for one day, not including indirect costs.

N. Cummings reviewed the handout titled *Municipal Inmates in the Waukesha County Jail* and attached chart. He noted that the Waukesha County Jail expansion, built at a cost of approximately \$34 million, is at capacity just three years after opening. It is crucial to find ways to avoid having to build another new jail, as well as avoid taking County inmates to other counties.

N. Cummings reviewed the Average Daily Population Chart, pointing out that in late 2007, the jail capacity was exceeded and inmates were being taken to other counties at that time. Statistics show that 65% of over 400 inmates in the jail are in for 3 days or less; one main reason for this is the municipal holds. N. Cummings stated that municipalities allow the fines to be worked off at a set amount per day spent in the jail. Municipal judges are continuing to impose this sentencing on individuals who do not pay their fines, as opposed to utilizing collections methods as Waukesha County does so successfully.

Discussion continued regarding Waukesha County Corporation Counsel's interpretation of the Supreme Court case ruling from which the formula utilized in the cost calculations for the charge per jail day was determined. Corporation Counsel is continuing to study data from other counties, while reviewing the opinion written over eight years ago by a former Corporation Counsel, in order to justify any rate change. N. Cummings added that Waukesha County is not just trying to get more money from the municipalities; more importantly is the fact that jail space is at a premium. Charging the municipalities a higher per jail day fee may cause them to reconsider their current practices of imposing jail sentences on municipal offenders.

Krahn suggested having a meeting with the Criminal Justice Collaborating Council, municipal mayors and municipal judges regarding this issue. He would follow up with Rebecca Luczaj to discuss the possibility of setting up such a meeting.

Morris thanked N. Cummings for bringing this information to the attention of the Committee.

Wolff arrived at 9:14 a.m.

### **Criminal Justice Collaborating Council Program Updates:**

Carpenter read a testimonial from an Alcohol Treatment Court (ATC) Program participant, which outlined his experiences before, during and after participating in the program.

Carpenter explained that the ATC Program offers the repeat drunk driver the opportunity to break the cycle of drunk driving, improve the chances of a sober and healthy life and contribute to a safe

community. She continued with a review of the handout titled *Waukesha County Alcohol Treatment Court* as outlined in the pamphlet.

Carpenter reviewed the WCS- Alcohol Treatment Court Program statistics for 2008, including statistics on active participants, demographics, ATC program components, ATC graduations, and graduate and discharge demographics. Ramirez spoke in support of the ATC Program, mentioning that important benefits of the ATC Program are the number of jail days saved and the community safety issue.

Carpenter read a letter from a participant ordered by the court to the Day Report Center Program. She continued with a review of the Program as outlined in the pamphlet titled *Waukesha County Day Report Center*. She reviewed the 2008 statistics, including assessment number details, demographics and program completion statistics. Notable was that 90% (124) of participants successfully completed their period of supervision at the Day Report Center.

Carpenter continued with a review of the Day Report Center Program components, providing further explanation of how the jail days saved number was determined based on the number of days the participants are released from the Huber facility versus serving the remainder of their sentence there. Ramirez stated that some of the judges are increasingly making direct referrals to the Day Report Center Program. The credibility of the Program is excellent due to the swift and certain reporting of information back to the courts about violations. It is a working program that helps the Courts by transitioning people with rehabilitative means and monitoring.

In conclusion, Carpenter stated that WCS would be facing the challenges of future budget constraints while striving to maintain services. She said that WCS was asked to prepare for a 0% budget increase across the board in the CJCC Programs, including the ATC, Day Report Center, OAR, Jail Screening, Pretrial Supervision, Intoxicated Driver, and the Adult Community Service Options Programs.

Morris thanked Carpenter for the informative presentation.

**Discuss and Consider Ordinance 164-O-017: Amend Sheriff's Department 2009 Budget Expenditure Of Office Of National Drug Control Policy Cooperative Agreement Funds (2)**

Trawicki explained this ordinance to authorize the Sheriff's Department to accept up to \$40,000 from the Office of National Drug Control Policy to enhance their efforts as part of the Milwaukee High Intensity Drug Trafficking Area. He stated that the grant funding would be used to purchase a pickup truck to assist the Sheriff's Department in the gathering of evidence prior to drug seizure raids; an upgrade to the phone system including 13 Blackberry phones; and deputy overtime pay and related benefit costs for additional drug enforcement activities. .

MOTION: Wolff moved, second by Cummings, to approve Ordinance 164-O-017. Motion carried 6-0.

**Discuss and Consider Ordinance 164-O-018: Accept Homeland Security-Urban Area Security Initiative FY2008 Program Funding And Modify The Emergency Preparedness 2009 Budget To Appropriate Grant Revenues And Expenditures For Emergency Operations Center Upgrades**

Stolte explained this ordinance for grant funding in the amount of \$12,500 that would be mainly used to add wireless networking functionality to the Waukesha County Emergency Operations Center (EOC) through the purchase of portable computers, wireless access to printers, and wireless access to the internet resources. These upgrades would allow County departments and outside agencies assisting with a County disaster response to use laptop computers at the EOC to access the internet and EOC printers.

MOTION: Cummings moved, second by Decker, to approve Ordinance 163-O-018. Motion carried 6-0.

**Discuss and Consider Ordinance 164-O-019: Accept Homeland Security-Urban Area Security Initiative FY2008 Program Funding And Modify The Emergency Preparedness 2009 Budget To Appropriate Grant Revenues And Expenditures For Respiratory Fit Testing Equipment**

Stolte explained this ordinance to accept federal grant funding in the amount of \$14,804 to be used for the purchase of a respiratory fit testing machine that all agencies in the County can use to ensure that breathing masks fit first responders appropriately. Annual fit testing of breathing masks is mandated by OSHA, the US Environmental Protection Agency and State of Wisconsin regulations. Tuma informed the Committee that the respiratory fit testing machine was already purchased due to the recent threat of the swine flu pandemic.

MOTION: Cummings moved, second by Falstad, to approve Ordinance 164-O-019.

Morris asked about the previous method of fit testing. Stolte stated this new purchase is an improved testing method. Tuma explained that OSHA requirements have become more stringent over the years.

Motion carried: 6-0.

**Discuss and Consider Ordinance 164-O-020: Accept Homeland Security-Urban Area Security Initiative FY2008 Program Funding And Modify The Emergency Preparedness 2009 Budget To Appropriate Grant Revenues And Expenditures For Citizen Preparedness Activities**

Stolte explained this ordinance to accept \$250,000 in federal grant funding for citizen preparedness activities to be used for the following: Personnel costs; travel and training expenses; printing materials, advertising and promotion; CERT class instruction; office supplies; small equipment; COAD activities; READY Program; Medical Reserve Corps, and interdepartmental charges.

MOTION: Wolff moved, second by Decker to approve Ordinance 164-O-020. Motion carried: 6-0.

Pledl left at 10:15 a.m.

**Discuss and Consider the 2008 Annual Jury Report**

In the absence of any specific questions from the Committee regarding the Jury Report, Madden and Gallo focused on the 2008 Jury Accomplishments as listed on page 13 of the 2008 Annual Jury Report.

- Online Qualification Questionnaires: Utilization of the online questionnaires continues to be very successful. It is convenient for citizens as well as for Gallo.
- Qualification Questionnaires: Continued use of reminder letters sent to jurors who do not return the questionnaire has assisted in achieving an overall response rate of 98%.
- Uniform Jury Year: The transition to a statewide uniform jury year of January 1 – December 31 was successfully completed.
- Jurors Serve Justice; Justice Serves Us All: In September, the Department participated in Juror Appreciation Month with various activities intended to honor and thank jurors for the important role they play in the justice system. Wisconsin Supreme Court Chief Justice Shirley Abrahamson spoke at a formal program held to honor the citizens who perform jury duty in Waukesha County.
- Online Postponement: The online juror postponement tool has proven to be very successful. Jurors can submit a request online for a postponement for jury service. The jury clerk is able to review the requests and respond in a much more efficient and timely manner by means of email.

Madden reviewed some of the upcoming trials in 2009 which will require a tremendous amount of planning and preparation by Courts staff.

Madden and Gallo continued with a review of the 2009 Jury Initiatives as listed in the report. Implementation of additional online tools will continue in order to maintain and improve the levels of juror satisfaction and overall system efficiencies.

### **Departmental Status and First-Quarter Budget Updates - Circuit Court Services**

Snow distributed a handout titled *2009 Circuit Court Services – Budget History and Current Year Status*. Madden stated that overall, revenues are down in comparison to the 2008 first-quarter, as listed in the Financial Summary. Snow added that the biggest issue on the revenue side is the reduction in earnings on the courts trust account due to lower interest rates. The budget estimated rates at 4 ¾ - 5% in terms of returns on the collected balance; however, the interest rate is down at approximately 25 basis points (.25%), which will result in a significant revenue shortfall. Snow stated they would attempt to manage this shortfall on the expenditure side.

Madden explained that Personnel Costs is one area where there is some discretion in expenditures. She stated that several open positions are being left unfilled. Cummings asked how the voluntary leave program would affect the Department. Madden stated that there may be a little longer wait time for customers at the counter, and work may back up a bit, but they will get through it. Snow stated the Department is looking at ways of creating efficiencies while maintaining the quality of work standards required to uphold the State statutes.

Madden and Snow continued with a review of the significant operational changes and departmental cross-charges changes incorporated for 2009, as outlined in the handout. Madden noted that two significant court trials, a sequestered felony trial and an 8 week civil trial, are going to result in significant additional costs outside of their normal budget.

Madden concluded with a review of the Strategic Operations Efforts Anticipated for Activity in 2009.

Morris thanked Madden and Snow for the informative presentation.

Wolff left at 11:13 a.m.

### **Legislative Update**

Krahn distributed a handout titled *2009 Legislation – Judiciary Committee– 5/15/09*.

Krahn provided an update on AB 75 (State Budget), stating that the Joint Finance Committee continues to meet to deal with the issues. He continued with an update on the following bills: AB 17, AB 183 and AB 191. He noted the five new bills listed on the handout: AB 218, AB 223, AB 224, AB 230 and AB 244.

MOTION: Decker moved, second by Falstad, to adjourn at 11:35 a.m. Motion carried 4-0.

Respectfully submitted,

Kathleen M. Cummings  
Secretary